



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,316	01/15/2002	Felix G. Racca	067833.0175	8714

7590 11/24/2006

Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

KANG, INSUN

ART UNIT PAPER NUMBER

2193

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/050,316	Applicant(s) RACCA ET AL.	
	Examiner Insun Kang	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/2/2002, 3/22/2002, and 1/15/2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/2/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to application papers dated 4/2/2002, 3/22/2002, and 1/15/2002.
2. Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 3, 4, 5, and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 3, 4, 5, and 19 are non-statutory because they are directed to a "system" for designing a business process comprising an introspection module, a component manager, and a process designer that are disembodied arrangement so as to be called a "computer program" or compilation of facts, information, or data *per se*, without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer ("acts") or computer readable medium so as to enable the computer to perform the claimed operations of transforming, defining, selecting etc as recited. With no other structure in the independent claim to rely on, the alleged "system" of the claims turns out to be non-statutory for being a computer program *per se*. Thus the claims represent non-functional descriptive material that is not capable of producing a useful result, and hence represent only abstract ideas. Therefore, the claims are non-statutory.

Claims 13-18 are non-statutory because they are directed to a "logic" without

Art Unit: 2193

recitation of a computer or a computer-readable medium embodying the operations in the claims. The claims merely recite a "logic" that is disembodied arrangement so as to be called a "computer program" or compilation of facts, information, or data *per se*, without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer ("acts") or computer readable medium so as to enable the computer to perform the claimed operations such as receiving, determining etc as recited. Thus the claims represent non-functional descriptive material that is not capable of producing a useful result, and hence represent only abstract ideas. Therefore, the claims are non-statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sarkar et al. (US patent 6,754,659) hereinafter referred to as "Sarkar."

Per claim 1:

Sarkar discloses:

Art Unit: 2193

-an introspection module operable to transform a plurality of implementation-specific components into a plurality of generic components, the implementation-specific components associated with a plurality of implementations (i.e. "To create the generic EJB...known Java and EJB...interact specifically with all of the Java bean support code...generated for an existing Java bean," col. 5 lines 47-55; "introspecting each of the one ore more original Java beans to determine their setter/getter," col. 4 lines 28-42) a component manager coupled to the introspection module and operable to define the generic components; and a process designer coupled to the component manager and operable to: select at least one of the generic components from the component manager (i.e. "defining a single generic EJB and installing the single generic EJB in an EJB container...generating EJB support code for each of the one or more original Java Beans," col. 4 lines 20-27; "introspecting each of the one ore more original Java beans to determine their setter/getter," col. 4 lines 28-42; "the generic EJB creates the helper object corresponding to the original Java bean using Java reflection...passed to the generic EJB's business method," col. 4 lines 50-58) ; and generate a business process operable to use the at least one of the generic components (i.e. "installing the single generic EJB in an EJB container," col. 4 lines 14-27)

Per claim.2:

The rejection of claim 1 is incorporated, and further, Sarkar teaches:

Art Unit: 2193

one or more process engines, a process engine operable to execute the business process

(col. 6 lines 18-29) as claimed.

Per claim 3:

The rejection of claim 1 is incorporated, and further, Sarkar teaches:

determine an implementation associated with at least one of the implementation-specific components; retrieve the at least one of the implementation-specific components; map each of the at least one of the implementation-specific components to a generic component to yield a mapping; and save the mapping (i.e. col. 4 lines 50-58; col. 4 lines 14-27; col. 7 lines 50-56; col. 6 lines 50-58).

Per claim 4:

The rejection of claim 1 is incorporated, and further, Sarkar teaches:

wherein the introspection module comprises a plurality of implementation modules, an implementation module operable to retrieve one or more implementation-specific components associated with an implementation. (i.e. col. 6 lines 1-10, 50-58; col. 7 lines 8-18).

Per claim 5:

The rejection of claim 1 is incorporated, and further, Sarkar teaches:

- debugger coupled to the process designer and operable to detect an error of the business process (i.e. col. 6 lines 18-29) as claimed.

Per claim 6:

Art Unit: 2193

The rejection of claim 1 is incorporated, and further, Sarkar teaches:

one or more process engines, a process engine operable to execute the business process; a data warehouse coupled to the one or more process engines and operable to store transactional data describing the executed business process; and a data server coupled to the data warehouse and operable to organize the transactional data. (col. 7 lines 50-56; col. 6 lines 50-58; col. 5 lines 30-41) as claimed.

Per claims 7-12, they are the method versions of claims 1-6, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-6 above.

Per claims 13-18, they are the logic versions of claims 1-6, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-6 above.

Per claim 19, it is another system version of claim 1, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above.

Per claim 20, it is another system version of claims 1- 6, respectively, and is rejected for the same reasons set forth in connection with the rejections of claims 1- 6. above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-R 6:30-5 PM.

Art Unit: 2193

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG AI AN can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

I. Kang
Examiner
3/17/2005

MENG AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100